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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,833	07/28/2003	Assaf Silberstein	P-70999-US	5834
49443 7590 12/23/2008 Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036				
EXAMINER				
LONG, PONYA M				
ART UNIT		PAPER NUMBER		
3689				
MAIL DATE		DELIVERY MODE		
12/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/628,833

**Applicant(s)**

SILBERSTEIN, ASSAF

**Examiner**

FONYA LONG

**Art Unit**

3689

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 01 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 17-46.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/Janice A. Mooneyham/  
Supervisory Patent Examiner, Art Unit 3689

/Fonya Long/  
Examiner, Art Unit 3689

Continuation of 11, does NOT place the application in condition for allowance because: As per Claim 17, applicant argues that Wayne fails to disclose "at a central server for the enterprise...if, based on customer identification information, a database indicates a customer owes money to the enterprise, directing the customer to a specific queue." Examiner respectfully disagrees, Examiner asserts Wayne discloses directing customer to a specific queue (Col. 2, Lines 29-42, discloses the queues including a group of queues for each service type and the assignment means for assigning a customer to a queue within the group of queues that corresponds to the service type assigned to that customer). Examiner also asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a customer who owes money to the enterprise to be placed in a specific queues. It is common in the customer service field to have customers divided by service type such as technical support, acquiring new services, and payment of account balance (i.e. a person who owes money). Applicant also argues Wayne fails to disclose "providing customer wait information to a plurality of customers for each of a plurality of queues, the wait information comprising a list of waiting customers." Examiner respectfully disagrees. Wayne discloses providing customer wait information to a plurality of customers (Col. 8, Lines 6-9, discloses providing each customer having been issued a pager (i.e. a plurality of customers) a test page that includes the expected wait time for the customer). Examiner asserts that the wait information being a list of waiting customers is considered non-function descriptive material. The information being a list of waiting customers does not change the function of the claimed invention. As per Claim 27, applicant argues Wayne fails to disclose "marking a customer as abandoned, and placing via the agent workstation a customer marked abandoned in a queue to wait to meet with an agent." Examiner respectfully disagrees. Wayne discloses marking the status of a customer (Col. 11, Line 66-Col. 12, Line 68) and placing via the agent workstation a customer marked abandoned in a queue to wait to meet an agent (Col. 11, Line 66-Col. 12, Line 68, discloses placing a customer having a certain status (i.e. shopping, waiting, angry) in a queues to wait to meet with an agent. As per Claim 37, applicant argues Wayne fails to disclose "transferring a customer into a queue and placing the customer on hold, the customer to be called back at a later time." Examiner respectfully disagrees. Examiner asserts Wayne discloses transferring a customer into a queue (Col. 7, Line 59-Col. 8, Line 5, via determining a customer's assigned position in queue) and placing the customer on hold, the customer to be called back at a later time (Col. 7, Line 59-Col. 9, Line 54, discloses the customer being placed on hold (i.e. held in queue) until the customer is notified via a pager to report to desk number of the agent (i.e. called back).